

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION**

UNITED STATES OF AMERICA, Petitioner,	§ § §	
V.	§	CIVIL ACTION NO.: A-23-CV-843 RP
12.97983000 BITCOIN SEIZED FROM BINANCE USER ID: 443401465, and	§ § §	
1.30459657 BINANCE COIN SEIZED FROM BINANCE USER ID: 443401465,	§ § §	
Respondents.	§	

**JOINT STIPULATION FOR DISMISSAL OF CIVIL FORFEITURE ACTION AND FOR
ORDER ADOPTING HOLD HARMLESS AND SETTLEMENT AGREEMENT AND
FOR FINAL JUDGMENT**

Comes now Petitioner, United States of America, by and through the undersigned Assistant United States Attorney, and Claimant Patrick Lambrecht, submit this Joint Stipulation for Dismissal of Civil Forfeiture Action and for Order Adopting Hold Harmless and Settlement Agreement and for Final Judgment in accordance with Fed. R. Civ. P. 41(a)(1)(A)(ii) in regard to the following property, namely:

- 12.97983000 BITCOIN SEIZED FROM BIANCE USER ID: 443401465, and
- 1.30459657 BINANCE COIN SEIZED FROM BINANCE USER ID: 443401465,

hereinafter the Respondent Property, and in support thereof would show the Court the following:

I.

Civil Judicial Proceedings

On July 21, 2023, the United States filed a Verified Complaint for Forfeiture (Doc. 1) seeking the forfeiture of the Respondent Property as the *res* of the civil forfeiture action to enforce the forfeiture provisions of Title 18 U.S.C. §§ 981(a)(1)(A) and (C) for violation of Title 18 U.S.C. §§ 1030 and 1956 (Fraud Related Activity in Connection with Computers and Money Laundering).

On August 29, 2023, this Court issued an Order for a Warrant of Arrest of Property. (Doc. 2). On August 29, 2023, a Warrant for Arrest of Property was issued by the Clerk of Court. (Doc. 3).

II.

On November 1, 2023, the United States provided direct service of a “Notice of Complaint for Forfeiture” and the “Verified Complaint for Forfeiture” to Claimant Patrick Lambrecht’s attorney, Vahan Yerevyan, who represented him during the submission of the administrative forfeiture claim. The Notice of Complaint for Forfeiture (Doc. 1-2) advised that any persons who receive direct notice of the forfeiture action must file a verified claim with the Clerk of the Court within 35 days after service was sent and an answer within 21 days thereafter.

On December 22, 2023, the Claimant filed an Answer (Doc. 8) and a Claim (Doc. 8-1), asserting his interest in the Respondent Property.

In addition to the direct notice that was provided as set out above, a Notice of Complaint of Forfeiture was duly published on an official government internet site (www.forfeiture.gov) for at least thirty consecutive days from September 14, 2023, and ending October 13, 2023, as required by Rule G(4)(a)(iv)(C) of the Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions (“the Supplemental Rules”). The Declaration of Publication was filed on July 23, 2024 (Doc. 14). Thus, any and all other potential claimants were served by publication of the Notice of Complaint of Forfeiture.

Court records for the United States District Clerk's Office, Austin Division, reveal that no other claims or answers have been filed in this cause of action against the Respondent Property, and the time for filing such has now expired pursuant to Supplemental Rule G(5)(a)(ii)(B). The United States is not aware of any other person who reasonably appears to be a potential claimant;

therefore, any and all other potential claimants should be held in default. *See* Rule G, Supplemental Rules.

III.

Petitioner, United States of America, moves the Court to order that all rights, titles, and interests of all other potential claimants in the Respondent Property be, and hereby is, held in default and forfeited to the United States of America and that the United States Marshals Service, Federal Bureau of Investigation, and/or their designated agent, shall dispose of these Respondents Property in accordance with law.

IV.

In the interest of justice, judicial economy, and other considerations, the Parties have reached a settlement agreement regarding the disposition of the Respondent Property, and have included a Hold Harmless Agreement and Stipulation and Settlement Agreement regarding this property, which is attached and fully incorporated as Appendix A to the instant motion.

WHEREFORE, premises considered, the Parties hereto jointly move this Honorable Court to dismiss the instant civil forfeiture action and to enter an Order approving and adopting the terms and provisions of the Hold Harmless and Settlement Agreement which forfeits and defaults any and all rights, titles, and interests of any and all other potential claimants to the Respondent Property, and which provides for such other and further relief as this Court deems just and proper.

Respectfully submitted,

JAIME ESPARZA

United States Attorney

By:



MARK TINDALL

Assistant United States Attorney

Texas Bar No.: 24071364

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Austin, Texas 78701

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By: *Litvak*
Igor B. Litvak

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New York Bar No.: 5109749
Attorney for Claimant Patrick Lambrecht

CERTIFICATE OF SERVICE

I hereby certify that on July 30, 2024, the foregoing instrument was electronically filed with the Clerk of the Court using the CM/ECF System which will transmit notification of such filing to the following CM/ECF participant:

Igor B. Litvak, Esq
Email: Igor@LitvakLawNY.com
Attorney for Claimant Patrick Lambrecht

Mark Tindall
MARK TINDALL
Assistant United States Attorney

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION**

<p>UNITED STATES OF AMERICA, § Petitioner, § § V. §</p> <p>12.97983000 BITCOIN SEIZED FROM § BINANCE USER ID: 443401465, and § § 1.30459657 BINANCE COIN SEIZED § FROM BINANCE USER ID: § 443401465, § Respondents. §</p>	<p>CIVIL ACTION NO.: A-23-CV-843 RP</p>
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**HOLD HARMLESS AGREEMENT AND STIPULATION
AND SETTLEMENT AGREEMENT**

Petitioner, United States of America, by and through the undersigned Assistant United States Attorney, and Claimant Patrick Lambrecht, by and through his attorney of record, Igor B. Litvak, the Parties, in the interest of fully and finally resolving this matter in all respects, and for the consideration expressed in this Agreement, have agreed to enter into this Hold Harmless Agreement and Stipulation and Settlement Agreement and have therefore agreed to the following terms, conditions, and provisions:

HOLD HARMLESS AGREEMENT

1. That Claimant Patrick Lambrecht (Claimant), on his behalf, his heirs, executors, administrators, or assigns, does hereby release and forever discharge the United States of America, the United States Marshals Service (“USMS”), the Federal Bureau of Investigation, (“FBI”), and/or their individual agents, servants and/or employees from any and all claims for all damages resulting from the seizure, retention, custody and/or civil forfeiture of the Respondent property:

- 12.97983000 BITCOIN SEIZED FROM BIANCE USER ID: 443401465, and
- 1.30459657 BINANCE COIN SEIZED FROM BINANCE USER ID: 443401465; and

2. That the Claimant agrees to indemnify and hold harmless the United States of America and all of its agents, servants, and employees, including but not limited to USMS, FBI, and the United States Attorney's Office (USAO), in their individual and official capacities, and all state and local task force agents, from any and all claims, liens, actions, and/or proceedings brought by any third party in connection with or arising from any third party claims of ownership of the Respondent Property; and

3. That the Claimant waives all right to appeal the final order or judgment of the Court entered in accordance with this Hold Harmless Agreement and Stipulation and Settlement Agreement; and

4. That without limiting any other releases or waivers set forth in this Agreement, Claimant hereby expressly waives any potential claims or actions based upon the forfeiture proceedings against the Respondent Property, allegedly arising under or based upon the Federal Torts Claims Act, the United States Constitution, and/or *Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics*, 403 U.S. 388 (1973); and

5. That it is acknowledged by the Parties to this Agreement that this Agreement is executed in compromise and settlement of disputed claims and is not to be construed as an admission of any wrongdoing whatsoever by either of the Parties, nor by the USMS, FBI, USAO, and/or their individual agents, servants and/or employees.

STIPULATIONS BY THE PARTIES

In consideration of the above, it is further agreed and stipulated by and between the Parties as follows:

1. That the terms of this Stipulation and Settlement Agreement shall be subject to approval by the Court; and
2. That the United States of America, through the USMS, shall release and return 11.97983000 Bitcoin and 1.30459657 Binance Coin, to the Claimant on the earliest date possible after adoption of the instant Agreement by the Court; and upon completion and processing of all documentation by the USMS and/or FBI, related to the return of the cryptocurrency; and
3. That the remaining one bitcoin shall be forfeited to the United States of America, and shall be disposed of by the USMS, FBI, and/or its designated agent, in accordance with law; and
4. Claimant further agrees that by executing this Stipulation and Settlement Agreement, it is construed as his withdrawal of claims in the instant civil proceeding as to the Respondent's Property; and
5. That the Parties to this Agreement shall perform any and all acts, execute any and all documents, and perform any actions reasonably necessary in order to carry out the provisions of this Agreement; and
6. That this Court shall retain jurisdiction in this cause of action for the purpose of enforcing the terms, provisions, and conditions of this Agreement; and
7. That any and all costs of litigation of this action incurred by each Party, including but not limited to attorney's fees, shall be borne by each Party respectively; and

8. That this Stipulation and Settlement Agreement contains the entire agreement between the Parties concerning the matters set forth herein. All prior discussions, negotiations, and agreements, if any, whether oral or written, are hereby superseded by this document. Further, no addition or modification of this Settlement Agreement will be effective unless set forth in writing and signed by all the parties.

IN WITNESS WHEREOF, WE HAVE HEREUNTO SET OUR HANDS ON THE DATES INDICATED BELOW:

07/30/2024

Date

7/30/2024

Date

Date

By:

Mark Tindall

Mark Tindall
Assistant United States Attorney

By:

Litvak

Igor B. Litvak
Attorney for Claimant Patrick Lambrecht

By:

Lambrecht

Patrick Lambrecht
Claimant

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

UNITED STATES OF AMERICA, Petitioner,	§	
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**ORDER ADOPTING HOLD HARMLESS AGREEMENT
AND STIPULATION AND SETTLEMENT AGREEMENT**

Came on to be considered this date the Joint Stipulation for Dismissal of Civil Forfeiture Action and for Order Adopting Hold Harmless and Settlement Agreement, and the Court, having reviewed the record and being otherwise duly and fully apprised in all the premises, is of the opinion that said Motion is meritorious and should in all things be GRANTED. IT IS THEREFORE

ORDERED that all rights, titles, and interests of all other potential claimants in the Respondent Property

- 12.97983000 BITCOIN SEIZED FROM BIANCE USER ID: 443401465, and
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be and hereby is, held in default and forfeited to the United States of America; and IT IS FURTHER

ORDERED that the Hold Harmless Settlement Agreement executed by and between the United States of America and Claimant Patrick Lambrecht be, and hereby is, approved and adopted and is incorporated herein as part of this Order; and IT IS FURTHER

ORDERED that the Claim and Answer (Docs. 8) of Claimant Patrick Lambrecht are hereby withdrawn as to the Respondent Property; IT IS FURTHER

ORDERED that any and all rights, titles, and interests of all other potential claimants in the Respondent Property, be, and hereby are, held in default and forfeited to the United States of America; and IT IS FURTHER

ORDERED that the United States Marshals Service (USMS), Federal Bureau of Investigation (FBI), and/or their designated agent, shall dispose of the Respondent Property; in accordance with law.

ORDERED that the Respondent Property, is hereby dismissed from the instant civil forfeiture proceeding; and IT IS FURTHER

ORDERED that the USMS and FBI shall return 11.97983000 Bitcoin and 1.30459657 Binance Coin to Claimant Patrick Lambrecht on the earliest date possible after the adoption of the instant Agreement by the Court; and upon completion and processing of all documentation by the USMS and/or FBI related to the return of the cryptocurrency; and IT IS FURTHER

ORDERED that the remaining one Bitcoin shall be forfeited to the United States of America, and shall be disposed of by the USMS, FBI, and/or its designated agent, in accordance with law; and

ORDERED that any and all costs of litigation of this action incurred by each Party, including but not limited to attorney's fees, shall be borne by each Party respectively; and IT IS FURTHER

ORDERED that the Parties to this Agreement shall perform any and all acts, execute any and all documents, and perform any actions reasonably necessary in order to carry out the provisions of this Agreement; and IT IS FURTHER

ORDERED that if for any reason this Agreement is not fulfilled, the United States of America reserves the right to re-open and proceed with re-instituting this action, and Claimant Patrick Lambrecht agrees to waive any defenses he may have to this action by reason of the dismissal of this cause; and IT IS FURTHER

ORDERED that this Court shall retain jurisdiction in this cause of action for the purpose of enforcing the terms, provisions, and conditions of this Agreement.

IT IS SO ORDERED.

SIGNED this _____ day of _____, 2024.

ROBERT PITMAN
UNITED STATES DISTRICT JUD

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

UNITED STATES OF AMERICA, Petitioner,	§	
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V.	§	CIVIL ACTION NO.: A-23-CV-843 RP
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	§	
Respondents.	§	

FINAL JUDGMENT

On this day, the Court entered an Order Adopting Hold Harmless and Settlement Agreement. The Court now enters a Final Judgment pursuant to Federal Rule of Civil Procedure 58.

Accordingly, IT IS HEREBY ORDERED that the above-captioned cause is **DISMISSED WITHOUT PREJUDICE**, costs to be borne by the party incurring same. IT IS FURTHER ORDERED that all other pending motions, if any, are **DENIED AS MOOT**.

SIGNED this _____ day of _____, 2024.

ROBERT PITMAN
UNITED STATES DISTRICT JUDGE